

# WORKER RIGHTS CONSORTIUM FACTORY ASSESSMENT

*RJ Torres (Dominican Republic)*

*Findings, Recommendations, and Company Response*



*August 31, 2022*



WORKER RIGHTS  
CONSORTIUM

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## I. Introduction and Executive Summary

This report details the findings and recommendations of the Worker Rights Consortium’s (WRC) March to June 2022 investigation concerning working conditions and labor practices at RJ Torres Mfg., S.R.L. (“RJ Torres”), an apparel manufacturing facility in Santiago, Dominican Republic. The WRC undertook this compliance assessment of RJ Torres pursuant to the WRC’s role as the independent monitor for the City and County of San Francisco, California (“the City”) under the City’s Sweatfree Contracting Ordinance (“Ordinance”), which establishes labor rights standards for manufacturers of apparel supplied to the City by the City’s vendors.<sup>1</sup>

RJ Torres was identified as a subcontractor to the Cincinnati, Ohio-based uniform company, Fechheimer Brothers Company (“Fechheimer,” a division of Berkshire Hathaway, Inc., the investment-holding firm headed by Warren Buffett), for the manufacture of uniforms for employees of the San Francisco Municipal Transportation Agency, supplied by Fechheimer to the City vendor, Morgans, Inc., dba Jimmie Muscatellos (“Muscatellos”), under the City’s Contract Number 81700. As a result, labor conditions at RJ Torres are required to meet the standards established for producers of apparel supplied to the City under the Ordinance as a term of Muscatellos’ contract with the City.

In addition to Fechheimer, RJ Torres also makes apparel for a number of other buyers, and specializes in school and work uniforms, shirts, pants, skirts, jumpers, coveralls, and smocks manufactured from synthetic fabrics. The facility is comprised of two manufacturing units, “Building 1” and “Building 2”. Building 1, which produces apparel for the City, is located at Calle Navarrete, Manzana H, Number 6, Zona Franca Industrial in Santiago.<sup>2</sup> Building 1 is an 81,000 square-foot, two-story leased concrete block building with a sheet metal roof. The building is approximately 30 years old and was last renovated in 2016. The company began operations six years ago at this location. As of June 28, 2022, there were 774 hourly workers in Building 1.

The WRC’s 2022 assessment of RJ Torres was conducted by the WRC’s Central America representative, with the assistance of health and safety specialist, Enrique Medina, MS, CIH, CSP, FAIHA, and the Fundación Laboral Dominicana (Dominican Labor Foundation) (“FLD”), a nongovernmental organization based in the Dominican city of Santiago. The WRC’s representative, a representative of FLD, and the health and safety specialist Mr. Medina inspected the factory on June 28-30, 2022 (with Mr. Medina performing the inspection virtually) and reviewed records which RJ Torres management made available for examination. FLD, under the WRC’s supervision, conducted in-depth, offsite interviews with RJ Torres workers.

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<sup>1</sup> San Francisco, Cal., Administrative Code, Ch.12.U (“Adm. Code”) (2005), *as amended*, Feb. 11, 2010.

<sup>2</sup> At the time of the WRC’s inspection, Building 2 was dedicated to making garments for a different client. According to RJ Torres management, that client did not allow access for inspection by WRC. Therefore, the findings in this report that are based on the WRC’s onsite inspection refer only to Building 1. However, the WRC’s offsite interviews with factory workers did not indicate that labor practices in Building 2 differ materially from those in Building 1.

The WRC notes that RJ Torres management fully cooperated with the WRC's investigation, made most of the requested records available, was readily accessible for interviews and questions, and provided information crucial to reaching certain findings at the time of the assessment.

The WRC investigation identified the following issues at RJ Torres which are violations of Dominican law and/or the City's Ordinance:

**Wages and Hours of Work.** The WRC's investigation found that the base wage rate paid by RJ Torres complied with the Dominican Republic national minimum wage regulations but was less than half (47%) of the City's non-poverty wage standard for workers manufacturing apparel for the City in the Dominican Republic. Furthermore, the WRC found that the company requires employees to work nine hours per day, an arrangement that violates Dominican law unless workers have agreed to this schedule voluntarily. The WRC is seeking documentation from RJ Torres that its employees have approved this working schedule of their own accord rather than as a requirement of management.

**Verbal Abuse and Sexual Harassment.** In interviews, several workers reported experiencing or witnessing verbal abuse, including supervisors insulting or yelling at workers, and/or sexual harassment, such as inappropriate comments to women workers by factory supervisors.

**Freedom of Association.** There is no union at RJ Torres, and interviews with workers indicate that the company has retaliated against previous efforts by workers to exercise their right to freedom of association. These interviews indicated not only that RJ Torres has engaged in unlawful retaliatory terminations on multiple occasions against workers who attempted to unionize, but also that these terminations have created an environment where other workers feel intimidated from engaging in union activity.

**Women's Rights.** The WRC found some evidence from interviews with workers, though not enough to reach a firm finding as to specific individual cases, that women workers at the factory have faced discrimination on account of pregnancy. However, the WRC also found that the factory, currently, does provide workplace accommodations to pregnant workers, albeit on an ad hoc basis.

**Occupational Health and Safety.** The factory inspection performed by the WRC showed a range of serious health and safety hazards at the facility. Issues requiring immediate attention and remediation to prevent injury or illness included:

- Poorly maintained electrical wiring and portable power tools;
- Emergency exits with lockable doors, and tripping hazards on exit pathways;
- Excessively high temperature due to inadequate ventilation and lack of mechanical cooling equipment;
- Hazardous volumes of combustible materials (cardboard boxes and fabric) in a building that lacks a fire sprinkler system;
- Poorly maintained fire extinguishers;
- Lack of hearing protection in an environment with harmful noise levels;
- Lack of appropriate guarding on factory machines;

- A deficient eye wash station; and
- Lack of appropriate respiratory personal protective equipment for employees cleaning with solvent sprays.

Other violations of Dominican health and safety regulations included ergonomic hazards resulting from inadequate chairs for sewing workers and worn-out anti-fatigue mats for employees performing standing tasks; inadequate first aid administration and supplies; and failure to communicate to workers the risks associated with and techniques for safely handling hazardous materials. Moreover, the facility does not have the legally mandated number of restroom stalls for the size of its workforce. Finally, although RJ Torres has a factory health and safety committee, the committee has been lax in conducting its own inspections or engaging with other workers, and has failed to conduct job hazard assessments, all of which have allowed the violations described above to continue.

The violations identified above, as well as the methodology employed by the WRC to reach these findings, are discussed in further detail in the body of this report. For each finding, the WRC provided recommendations for remedying the identified violation. These findings and recommendations were shared with RJ Torres and the factory was then given the opportunity to respond in writing to the WRC's findings and recommendations and to propose corrective action.

The company's response to each of the WRC's findings, and the current status of the violation are included in the body of this report. Where a violation has not been remedied, the WRC continues to recommend that the company take corrective action and will update this report accordingly when this is done.

## **II. Methodology**

From March through May 2022, the WRC conducted in-depth research focused on labor conditions at RJ Torres. This included extensive offsite worker interviews conducted by the Dominican NGO, FLD, with 20 current factory employees.

In accordance with the WRC's standard investigative methodology, these interviews were conducted away from the factory site in locations where workers felt comfortable speaking with researchers. The WRC conducted a factory inspection on June 28, 29 and 30, 2022, which was performed by the WRC's Central America representative with the assistance of health and safety specialist Enrique Medina, who conducted the assessment virtually, and a representative of the FLD. During the June 28 - 30 factory inspection, the WRC representative also interviewed RJ Torres managers and supervisors and members of the factory's health and safety committee. The WRC also reviewed certain company documents that were made available by RJ Torres management on the day of the factory visit, including some payroll records, company policies, and health and safety records.

Finally, the WRC's assessment also included a review of Dominican labor laws and regulations implicated by the conditions found at RJ Torres, including research concerning the application of

these standards. The WRC's findings based on this evidence and research, and recommendations for corrective action, are outlined in the following section.

### III. Findings, Recommendations, and Company Response

The following section outlines the WRC's findings from the factory inspection and interviews with workers,<sup>3</sup> recommendations for remediation, and the response from RJ Torres with regard to each of the WRC's findings and recommendations.

#### A. Wages, Working Hours, and Benefits

##### 1. Failure to Comply with the City's Non-poverty Wage Standard

###### a. Findings

Interviewed workers reported receiving wages of between RD\$3,200 (USD\$58.90) and RD\$4,400 (USD\$90) per week. This is consistent with payroll records and other information that RJ Torres management provided indicating that workers receive, at minimum, a base wage of RD\$3,211.18 (USD\$59.10) for working a 44-hour week. Some workers' base wages exceeded this minimum. Company records also show that many workers receive additional production-based bonuses above this minimum pay, related to attendance and production quality.

The RD\$3,211.18 (USD\$59.10) minimum weekly base wage paid by RJ Torres is the equivalent of the legal monthly minimum wage of RD\$13,915.00 (USD\$256.15) for workers in the country's export processing zones.<sup>4</sup> Therefore, the wages paid by the factory comply with the Dominican Republic's own minimum wage laws.

RJ Torres also provides all workers with an annual bonus equal to one month's salary. Because this annual bonus is provided to all workers, the WRC considers as part of workers' base wages for the purpose of calculating whether the factory complies with the City's non-poverty wage standard. When the *pro rata* monthly value of this annual bonus is included, workers' minimum monthly base wage at RJ Torres is RD\$15,075. Because RJ Torres employees work 44 hours per week, this minimum monthly base wage is the equivalent of an hourly wage of RD\$79 (USD \$1.47).

This hourly wage rate fails to comply with the City's Sweatfree Ordinance. The City's non-poverty wage standard, set under the Ordinance, for manufacturers of apparel in the Dominican Republic

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<sup>3</sup> Except where affirmatively noted, the fact that the WRC's investigation, as reported here, did not yield findings of violations in a particular area of the factory's labor practices should not be construed as an indication of the factory's overall compliance with respect to its practices in that area. Also, while the WRC's assessment included an overall safety inspection supervised by a certified industrial hygienist, it did not include comprehensive building inspections by fire, electrical, and structural safety engineers. Therefore, no inference should be drawn as to the compliance of this factory with those aspects of building safety that only such engineering specialists are accredited to certify.

<sup>4</sup> Government of the Dominican Republic, Resolution 03/2021 (On National Minimum Wage for Workers in the Industrial Free Trade Zones), December 7, 2021, <https://www.cnzfe.gob.do/phocadownload/Marco-Legal/Resoluciones/Resolucin%20No.%2003-20211.pdf>.

supplying the City currently requires a minimum wage rate of US \$2.82/hour.<sup>5</sup> The minimum base wage at RJ Torres (including annual bonus) of US \$1.47 per hour is only 52% of the City's required non-poverty wage.

As noted above, weekly production bonuses that many workers can and do earn means that, in practice, some employees receive compensation higher than the country's legal minimum wage. However, the Ordinance clearly states that the non-poverty wage requirement applies to the minimum wage payable to employees. This means that production-based bonuses whose payment is not legally guaranteed to employees, cannot be counted toward compliance with the non-poverty wage standard. Therefore, the WRC finds that RJ Torres is violating the City's non-poverty wage standard.

### **b. Recommendations**

The WRC recommended that the following steps be taken to remedy RJ Torres' noncompliance with the City's non-poverty wage requirement:

- Increase workers' base weekly wages, exclusive of production bonuses, by amounts sufficient to provide a minimum pay rate that complies with the City's non-poverty wage requirement for the Dominican Republic.
- Provide workers with back pay for the period of time from the date when the City's non-poverty wage requirement became applicable to the factory's employees (or the relevant statute of limitations) up to the date when wages are increased to a sufficient degree to meet this standard, in amounts equivalent to the difference between the wages actually paid to employees and the amounts workers would have been paid had the factory complied with the non-poverty wage requirement at that time.
- Should payment of such back wages and/or payment of the non-poverty wage going forward not be financially feasible for RJ Torres, the WRC recommends that Fechheimer and Muscatellos assist RJ Torres in achieving remediation of the prior violation of, and future compliance with, this standard.

### **c. Company Response**

RJ Torres responded to the WRC's findings with regard to the factory's failure to comply with the City of San Francisco's non-poverty wage requirement by providing a letter from Dominican legal counsel stating that the factory was complying with the Dominican minimum wage (Resolution 03/2021) and stating that the factory is paying its employees (including bonuses) approximately RD\$ 16,000 per month, which is RD\$ 2,000 above the legally established minimum wage for workers in the country's export processing zones.<sup>6</sup> In a subsequent letter, RJ Torres CEO José Rafael Torres

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<sup>5</sup> City of San Francisco, 2021 International Wage and Benefit Rates, Sweatfree Contracting Ordinance (Administrative Code Chapter 12U), [https://sfgov.org/olse/sites/default/files/2021\\_Wage%20Rates%20International.pdf](https://sfgov.org/olse/sites/default/files/2021_Wage%20Rates%20International.pdf).

<sup>6</sup> Letter issued by Gerónimo E. Gómez Aranda, Esq. of Gómez-Aranda & Díaz to José Rafael Torres at RJ Torres Manufacturing, August 10, 2022.

also highlighted a number of voluntary benefits that the company provides for employees – including, for instance, free bus transportation services.

However, this does not change the overall finding that the factory’s base wage rate does not comply with the City’s non-poverty rate as established by the City pursuant to Section 12U.3 (b) of the City’s Sweatfree Ordinance.

As noted in the findings above, the non-poverty wage rate established by the City for the Dominican Republic is US \$2.82/hour.<sup>7</sup> Given that the monthly base wage (exclusive of production-bonuses) that is reported by RJ Torres management and the factory’s workers is equivalent to US \$1.47 per hour, the WRC continues to find RJ Torres in violation of this City requirement.

## **2. Working Hours above the Legal Maximum and Involuntary and Underpaid Overtime**

### **a. Findings**

Factory managers reported that working hours for factory employees are from 7:30 am to 5:30 pm Monday to Thursday, and 7:30 am to 4:30 pm on Friday. Workers receive a daily, one-hour, unpaid lunch break, resulting in a schedule of nine working hours on Monday to Thursday and eight working hours on Friday.

The length of employees’ regular workday on Monday through Thursday violates Dominican labor law and, therefore, by extension, the City’s Ordinance. Dominican law limits the regular working day, exclusive of overtime, to eight hours’ duration.<sup>8</sup> As noted, the regular working day at RJ Torres on Monday through Thursday is nine hours.

RJ Torres management’s justification for this schedule is that it permits employees to perform the 44-hour workweek that is standard under Dominican law in five days, rather than six. What Dominican law requires, though, is that if employees are to work a schedule in excess eight hours per day, the company must permit employees to decide and agree, voluntarily, whether or not they wish to work this schedule.<sup>9</sup> By imposing this schedule on employees as mandatory requirement of employment, RJ Torres is violating Dominican law and, by extension, the City’s Ordinance.

To note, the nine-hour workday currently performed by RJ Torres workers would be *legal* if the company either (1) considered working the ninth hour to be optional on the part of employees and compensated workers for this hour as overtime, at a premium rate of 135% of their regular wage, in

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<sup>7</sup> City of San Francisco, 2021 International Wage and Benefit Rates, Sweatfree Contracting Ordinance (Administrative Code Chapter 12U), [https://sfgov.org/olse/sites/default/files/2021\\_Wage%20Rates%20International.pdf](https://sfgov.org/olse/sites/default/files/2021_Wage%20Rates%20International.pdf).

<sup>8</sup> Dominican Labor Code (“Labor Code”), Article 147 (“The normal length of the workday . . . cannot exceed eight hours per day or forty-four hours per week.”).

<sup>9</sup> *Id.*, Arts. 147 and 203 (“Overtime work is to be performed voluntarily, except in the case of extraordinary circumstances which threaten the normal functioning of the company or the safety of workers.”). As this practice violates Dominican law’s broader restriction on involuntary overtime, it violates the Ordinance’s requirement of compliance with local labor laws See 12.U.2.(j) and 12.U.3.(a).

accordance with Dominican labor law,<sup>10</sup> or, as already noted, reached a voluntary agreement with employees to work this schedule on a regular basis. Based on the information received from the company and the workers to date, however, neither is the case.

Beyond this ninth hour on Monday through Thursday, RJ Torres does not require its workers to perform mandatory overtime. Both managers and workers report that workers can decline additional hours of work if the factory is in need of additional work. Managers reported that they produce a list of all workers who have agreed to overtime each week. However, workers who said they sometimes perform overtime report that there is no documentation, only a verbal agreement.

### **b. Recommendations**

The WRC recommended that, in order to comply with the City's Ordinance and Dominican law, RJ Torres should:

- Adopt, maintain, and inform all supervisors and managers of an explicit policy that, going forward, performance of work beyond eight hours in a day must be optional on the part of employees, unless an employee previously has voluntarily agreed to work a nine-hour per day schedule, and that no employee shall be discriminated against in any way for declining to perform overtime or work such an extended schedule.
- Inform employees that, unless they voluntarily agree to work a nine-hour per day schedule, they are not required by the company to work for any time in excess of eight hours in a day, and that any work in excess of eight hours in a day – that is authorized by the factory and that employees may choose voluntarily to perform – will be compensated to the employees at the required premium overtime rate.
- Provide backpay at overtime rate for four hours per week for the period of time that workers have been required to work for nine hours per day, without having voluntarily agreed to such a schedule, or the period covered by the statute of limitations, as applicable.
- If RJ Torres wishes for workers to continue to work nine hours per day, it should provide workers with the opportunity to voluntarily choose to do so and should document such voluntary arrangements in writing via agreements that workers have the opportunity to review and sign in advance.

### **c. Company Response**

RJ Torres noted that under Article 157 of the Dominican Labor Code, employers and employees may come to an agreement with regard to an extended work schedule as long as the schedule does not, in the case of industrial activities, exceed nine hours per day or a total of 44 hours per week. RJ Torres asserted to the WRC that it had come to such an agreement with employees with regard to

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<sup>10</sup> See Dominican Labor Code (“Labor Code”), Article 203 (“For each hour or fraction of an hour worked in excess of the working day and up to sixty-eight hours per week, an increase of not less than thirty-five percent over the value of the normal hourly rate of the normal hour”).

the extended schedule and that, in fact, the company had attempted to change the schedule to a traditional Dominican workweek of five eight-hour days and four hours on Saturday, but factory employees rejected this proposal, preferring instead the existing work schedule outlined above.

However, RJ Torres has not provided any documentary evidence as to the process by which employees purportedly expressed that they willingly chose to work this extended schedule. If the factory is able to demonstrate that it had in fact come to such a voluntary agreement with its employees and provide documentary evidence to this effect, the WRC would consider the issue to be adequately resolved with no further action required by RJ Torres.

If the factory cannot demonstrate that it has actually reached voluntary agreements with its employees regarding the extended work schedule, the WRC recommends that RJ Torres enter into a consultative process with employees as soon as possible to where workers can express whether or not they do, in fact, voluntarily agree to this schedule. If the employees do not voluntarily agree to continue with the current schedule, RJ Torres should implement the first two recommendations outlined in the previous section.

If, as the company affirms, the employees do prefer the nine hour per day schedule, and do voluntarily agree to it, RJ Torres will not be required to pay the overtime premium going forward for the ninth hour. However, if the factory cannot also demonstrate that the workers had previously voluntarily agreed to work an extended shift, the factory should implement the third recommendation outlined by the WRC by providing payment of back wages at an overtime rate for the four hours per week that would have been considered overtime. As outlined above, these calculations should date back to the period of time that workers have been required to work nine hours per day or the period covered by the statute of limitations.

## **B. Harassment and Abuse**

### **1. Verbal Harassment and Sexual Harassment**

#### **a. Findings**

Dominican labor law and the City's Ordinance prohibit any form of abuse of workers, which includes verbal or sexual harassment.<sup>11</sup>

Three interviewed workers gave testimony to the WRC that they had experienced or witnessed verbal abuse by managers or supervisors while working at RJ Torres. One worker said that supervisors call the workers "stupid" or "lazy." Another worker stated that supervisors yell at workers when they make mistakes.

Another three workers reported having experienced or witnessed sexual harassment of women workers by male supervisors, particularly when women workers are entering or leaving the building or walking through the plant. Two of the workers interviewed offsite by the WRC did not provide

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<sup>11</sup> Labor Code, Article 46 (8) ("The obligations of the employer include: ... (8) to treat workers with due consideration abstaining from mistreatment by word or by deed."); City Code, Ch. 12.U.3.h ("No Contractor or Subcontractor shall subject any Worker to any physical, sexual, or other illegal harassment or abuse...").

specific details about such harassment but affirmed that it was happening. A third worker gave specific testimony, describing a supervisor commenting on the clothing of a woman worker, who was visibly upset by the supervisor's comment.

RJ Torres management reported to WRC that the company has policies to address verbal abuse and sexual harassment but stated that to its knowledge the factory had never received a complaint concerning such mistreatment.

### **b. Recommendations**

The WRC recommended that RJ Torres take the following measures to prevent violations of Dominican labor law and the Ordinance in the area of harassment and abuse:

- Communicate RJ Torres' policy on sexual and verbal abuse through written and verbal announcement to employees, including how to bring a complaint should they be subjected to abuse or harassment. A WRC representative or designee should be present at the time of communication to workers and supervisors.
- Communicate to managers and supervisors that no abuse or harassment will be tolerated. A WRC representative should be present at the time of communication to workers and supervisors.
- Discipline any supervisor or manager found to engage in verbally abusive treatment of employees or sexual harassment.

### **c. Company Response**

In response to the WRC's findings with regard to harassment and abuse, the Dominican lawyer who provided analysis to the factory stated that he was "surprised" to read of the WRC's findings with regard to harassment and abuse given that there were only two active lawsuits against the company (claims for illegal dismissal) and that, were the WRC's findings accurate, the company would, in fact, have numerous lawsuits filed against it for the issues of harassment and abuse.<sup>12</sup>

In subsequent correspondence on this subject, the factory owner, Mr. Torres, stated that employees have Mr. Torres' phone number and contact on WhatsApp, but in spite of this he has never received a complaint regarding verbal abuse of harassment. Mr. Torres also stated that a policy which covers verbal abuse and sexual harassment is posted on the factory's bulletin board, and he referred to conferences on this subject with the Dominican Institute for Professional and Technical Training that the company has participated in.

The WRC's findings with regard to harassment and abuse were reached following interviews with approximately 20 factory employees. These workers were interviewed confidentially and away from the factory premises, where they were free to speak about working conditions without fear of

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<sup>12</sup> Letter issued by Geronimo E. Gómez Aranda, Esq. of Gómez-Aranda & Díaz to José Rafael Torres at RJ Torres Manufacturing, August 10, 2022.

retaliation from the employer, including loss of employment. In the WRC’s experience, most garment workers are extremely unlikely to file a complaint with the employer or with the government with regard sexual harassment or other abuse, given that they fear that such a complaint will result in the loss of employment and the income which is vital to their families’ livelihoods.

The workers interviewed by the WRC, who were informed that they would remain anonymous, provided consistent and credible testimony with regard to the WRC’s findings on harassment and abuse, outlined in findings above. Given the high level of fear for workers that speaking out to management or the government will result in their dismissal, the WRC does not find credible the company’s response that a lack of complaints filed with the Dominican courts by workers means that workers are not actually experiencing the violation of harassment and abuse at RJ Torres.

Given the credible testimony provided by workers, the WRC maintains its findings and recommendations with regard to harassment and abuse. Moreover, the WRC notes concerns regarding the factory’s expectations that workers should or would in practice report abuse or harassment directly to the factory CEO. While the WRC acknowledges that the factory’s policy on abuse and harassment may be available for employees to review on the bulletin board, it recommends ensuring this policy includes appropriate reporting mechanisms that preserve workers confidentiality and protection from retaliation, and that RJ Torres takes the steps outlined above to assure the policy’s effective communication and implementation.

## C. Women’s Rights

### 1. Discrimination Against Pregnant Workers

#### a. Findings

The Dominican Labor Code prohibits any form of discrimination, exclusion, or preferential treatment on the basis of sex, age, race, color, national extraction, social origin, political opinion, union activity, or religious belief.<sup>13</sup> The Dominican Republic has also ratified ILO Convention 183 on Maternity Protection, which states that maternity cannot constitute a basis for discrimination in employment, including hiring.<sup>14</sup>

Interviews with factory employees conducted offsite by the WRC indicated that RJ Torres may be engaging in pregnancy discrimination in its employment practices. One worker said that RJ Torres does not hire job applicants who are pregnant. Another said, without providing further details, that the factory has previously fired workers after they became pregnant.

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<sup>13</sup> Dominican Labor Code, Fundamental Principles, Principle VII, <https://www.ilo.org/dyn/natlex/docs/WEBTEXT/29744/64852/S92DOM01.htm>.

Convention 183 of the International Labour Organization (ILO), which has been ratified by the Dominican Republic, prohibits “discrimination in employment, including [...] access to employment” related to maternity, and the convention specifies that these measures “shall include a prohibition from requiring a test for pregnancy or a certificate of such a test when a woman is applying for employment.” International Labour Organization, Convention 183 (Maternity Protection), Article 9.

<sup>14</sup> International Labor Organization Recommendation 191 on Maternity Protection (2000). [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C183](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183).

While the WRC did not receive enough specific evidence to reach a firm finding with respect to past incidents of discrimination against pregnant workers, the very fact that these issues were identified by any of the workers interviewed by the WRC is cause for concern that violations *may* be occurring. Discrimination against pregnant workers has been a common practice among employers in Dominican Free Trade Zones, according to a 2005 report by Human Rights Watch.<sup>15</sup> In a 2020 investigation of another factory in a different free trade zone in the Dominican Republic, the WRC found that pregnant applicants were denied employment and, in some cases, were subjected to medical examination as part of their hiring process, indicating that these practices are still commonplace.<sup>16</sup>

Therefore, while the WRC does not come to a specific finding with regard to past discrimination against pregnant workers that requires remediation, sufficient risk exists to require certain measures in order to ensure that no violations occur going forward.

### **b. Recommendations**

The WRC recommended that RJ Torres take the following measures to ensure that there are no future violations of Dominican labor law and the Ordinance in the area of pregnancy discrimination:

- Establish, enforce, and inform all supervisors and managers of an explicit maternity protection policy that, in compliance with national and international standards, prohibits any form of gender discrimination, including based on pregnancy, in hiring and other areas of employee relations.
- Communicate this policy through a written and verbal announcement to all employees, delivered during worktime and posted in the factory, informing them that no applicant or current employee will be discriminated against based on gender, including in relation to pregnancy. A WRC representative should be present at the time of communication to workers and supervisors.

### **c. Company Response**

RJ Torres provided as response to the WRC's report the same letter mentioned above from a Dominican lawyer who stated that he was "surprised" to read of the WRC's findings given that there were only two active lawsuits against the company (worker claims of illegal dismissal) and that, were the WRC's findings to be valid, the company would, in fact, have a number of lawsuits filed against it for the issue of discrimination against pregnant workers.

In a subsequent correspondence, the factory owner, Mr. Torres, also rejected the concerns raised by the WRC regarding discrimination against pregnant workers in hiring. He argued that Labour Code Article 232, prohibiting such discrimination, constitutes the company's policy for pregnant workers,

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<sup>15</sup> See Human Rights Watch (2005), *Pregnancy-Based Sex Discrimination in the Dominican Republic's Free Trade Zones: Implications for the U.S.-Central America Free Trade Agreement (CAFTA)*

[https://www.hrw.org/legacy/backgrounder/wrd/cafta\\_dr0404.htm](https://www.hrw.org/legacy/backgrounder/wrd/cafta_dr0404.htm)

<sup>16</sup> WRC (2020) Worker Rights Consortium Factory Assessment Suprema Manufacturing S.A. (Dominican Republic), <https://www.workersrights.org/wp-content/uploads/2020/02/WRC-Report-on-Suprema-DR-012420.pdf>.

and notes that this is addressed on the company's bulletin board. Mr. Torres also highlighted that women employees constitute 80% of administrators and managers at RJ Torres.

As mentioned above, the WRC raised concerns with regard to discrimination against pregnant workers based on offsite and confidential interviews with factory employees. As noted, it is the experience of the WRC that garment workers are unlikely to file a complaint with the employer or with the government with regard to illegal discrimination given that they fear that such a complaint will result in the loss of employment and the income which is vital to their families' livelihoods. The WRC does not find credible the company's response that a lack of complaints filed with the Dominican courts by workers means that workers interviewed by the WRC did not accurately report past violations with regard to discrimination against pregnant workers, nor the company's claim that the high proportion of women in management roles precludes the possibility that pregnancy discrimination has occurred or could occur.

Given the credible testimony provided by workers, outlined in the findings section above, the WRC maintains its concerns regarding allegations of pregnancy discrimination at RJ Torres and its recommendations to prevent future violations.

## **2. Provision of Accommodations for Pregnant Workers**

Under Dominican labor law, employers must provide accommodations for pregnant workers to ensure that they are not being required to perform strenuous work.<sup>17</sup> ILO Convention 183 on Maternity Protection, which the Dominican Republic has ratified, states that pregnant workers should not be obliged to perform work which presents a health risk to the worker or their child.<sup>18</sup> ILO Recommendation 191, which offers guidance on implementation of Convention 183, further specifies that employers should assess risks to pregnant workers, inform these workers of any risks, and eliminate or adapt work to avoid these risks (including, if necessary, paid leave). Particular areas of concern include arduous work, work involving exposure to agents which represent a reproductive health hazard, or work requiring physical strain (for instance due to prolonged sitting, standing, extreme temperature, or vibration)).<sup>19</sup>

### **a. Findings**

Some workers interviewed by the WRC reported that RJ Torres has provided accommodation for pregnant workers, including light work and allowing pregnant workers to leave the workplace at the end of the day a few minutes before other workers. Other workers reported that these accommodations are not consistently granted to all pregnant workers. Roughly a quarter of the workers interviewed believed that the factory does not provide accommodation for pregnant workers.

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<sup>17</sup> Labor Code Art. 234. During the period of pregnancy, a worker may not be required to perform work that requires physical effort incompatible with the state of pregnancy.

<sup>18</sup> International Labour Organization, Convention 183 (Maternity Protection), [https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100\\_ILO\\_CODE:C183](https://www.ilo.org/dyn/normlex/en/f?p=NORMLEXPUB:12100:0::NO::P12100_ILO_CODE:C183).

<sup>19</sup> ILO (2004): "Healthy Beginnings: Guidance on safe maternity at work" available at [https://www.ilo.org/wcmsp5/groups/public/---ed\\_protect/---protrav/---travail/documents/publication/wcms\\_travail\\_pub\\_66.pdf](https://www.ilo.org/wcmsp5/groups/public/---ed_protect/---protrav/---travail/documents/publication/wcms_travail_pub_66.pdf).

Managers interviewed by the WRC at the time of the WRC's visit to the factory confirmed that there is no specific company policy regarding accommodations for pregnant workers, but that managers adjust the tasks or working conditions of pregnant workers upon the worker's request; for instance, managers reported assigning pregnant workers tasks which allow them to be seated or moving them to a cooler part of the factory.

The WRC did not find specific cases where RJ Torres had failed to accommodate the needs of pregnant workers. However, the WRC did find that RJ Torres' lacked a formal policy for providing such accommodation that it communicated to workers and applied in a consistent, transparent manner.

## **b. Recommendations**

To comply with Dominican Labor Law, ILO Convention 183, and ILO Recommendation 191, the WRC recommended that RJ Torres should:

- Develop a maternity protection policy that sets forth arrangements for monitoring, reviewing, and managing maternity protection. The policy should include responsibilities and reporting lines for supervisors to implement these measures, and to communicate and build awareness among workers.
- Undertake a risk assessment in consultation with workers, to evaluate hazards to pregnant workers in the workplace and develop and issue specific guidance for avoiding harm to workers during pregnancy, including eliminating or adapting workers' tasks or providing paid leave when necessary.

## **c. Company Response**

In their response to the WRC's preliminary findings, RJ Torres did not directly address the findings or recommendations related to pregnancy accommodations. WRC maintains its original recommendations, which, given that RJ Torres already provides accommodations to pregnant workers on an ad hoc basis, would not be difficult for the company to implement as a consistent formal policy.

## **D. Freedom of Association**

### **1. Failure to Respect Associational Rights**

#### **a. Findings**

Both the Dominican Constitution and the country's labor law prohibit employers from retaliating against or otherwise using their influence to restrict workers from exercising the right to join a

union.<sup>20</sup> Moreover, under the City’s Ordinance, employers are required to “demonstrate commitment to best practices and continuous improvement in management practices to eliminate Sweatshop Labor, including [respect for] the right to freedom of association and collective bargaining,” and to refrain from “subject[ing] a[n]y Worker to harassment, intimidation or retaliation as a result of his or her efforts to freely associate or bargain collectively.”<sup>21</sup>

The WRC’s assessment found that the factory has failed to comply with the Ordinance’s requirements concerning respect for associational rights. There is no union at RJ Torres, and interviews with workers indicate that the company has retaliated against previous efforts of workers to exercise their right to freedom of association, in violation of Dominican Law and the City’s Ordinance.

Approximately one third of the workers interviewed by the WRC stated that they were aware of past attempts by workers at the factory to form a union where workers had been dismissed, in retaliation for such efforts. One employee said, “I know of groups of workers that have tried to form a union and they have been fired by management.” Another employee recalled that there were at least five different groups at the factory who had tried to start a union, and that all the workers involved in these efforts had been terminated. Similarly, a worker stated that “once there was a union that was forming and some of the workers reported it to management. All of the [organizing] workers were fired.”

Most of the workers interviewed by the WRC expressed that it was their understanding that any workers who attempt to organize a union would be fired as a consequence. While the WRC did not conduct a full investigation into specific allegations of past retaliation against workers seeking to form a union, the consistency of worker’ statements on this topic strongly suggests that the company has created an environment where workers are intimidated from exercising their right to freedom of association by reasonable fear of employer retaliation.

RJ Torres management stated, however, that the factory has publicly posted a policy related to respect for freedom of association. Interviews with factory workers made clear that this posting is not credible to employees in light of workers’ belief that any attempt to exercise associational rights will be met with retaliation.

In light of workers’ reports of prior incidents of retaliation and the clear understanding among workers that RJ Torres does not permit associational activity, the WRC finds that RJ Torres management has failed to respect its employees’ right to exercise freedom of association. The factory’s posting a policy affirming workers’ freedom of association is, by itself, inadequate to remedy the company’s denial of this fundamental labor right.

## **b. Recommendations**

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<sup>20</sup> Constitution of the Dominican Republic, Article 47 (“It is prohibited for employers to: ... [use their] influence to restrict the right of workers to enter into or not enter into a union ....); Labor Code, Article 333 (prohibiting employers from “[e]xercising retaliation against workers for their union activities [or] firing or suspending workers for belonging to a union...”).

<sup>21</sup> San Francisco, Cal., Administrative Code, Ch. 12.U.3 (m).

In order to ensure full respect for workers' right to freedom of association at the factory, the WRC recommends that RJ Torres management take the following steps:

- Issue a statement to employees, to be delivered verbally during working hours and posted permanently in writing in a public location in the factory, stating that RJ Torres respects and will not oppose workers joining or forming a union of their choosing and that workers will not be disciplined or discriminated against in any way for exercising this right. The contents of this statement should be approved in advance by the WRC before it is communicated to employees. A WRC representative should be present at the time of communication to workers and supervisors.
- Arrange for an independent labor rights organization, such as a nongovernmental organization or trade union, to provide onsite trainings on company time for workers and, in a separate training, for managers, concerning workers' rights to freedom of association. The provider of these trainings should be approved in advance by the WRC, and a WRC representative or designee should be present for the training.
- Discipline any supervisor or manager found to threaten or engage in discrimination or retaliation against employees on account of their having exercised associational rights.

### **c. Company Response**

In the same letter mentioned in the previous sections, RJ Torres' legal counsel stated that he was "surprised" to read of the WRC's findings in this area given that there were only two active lawsuits against the company (claims by workers of illegal dismissal) and that, were the WRC's findings to be valid, in fact the company would have a number of lawsuits filed against it for failure to respect associational rights.

As mentioned in the previous sections of this report, the WRC's findings regarding freedom of association resulted from interviews with approximately 20 factory employees who were interviewed confidentially and away from the factory premises. In the WRC's experience, garment workers are unlikely to file a complaint with the employer or with the government of illegal working conditions given that they fear that such a complaint will result in the loss of employment and the income which is vital to their families' livelihoods. Therefore, the WRC does not find credible the company's response that a lack of complaints filed with the Dominican courts by workers means that workers did not accurately testify to the WRC with regard to the environment for freedom of association at the factory.

In a subsequent letter, the factory owner, Mr. Torres, rejected the WRC's findings regarding freedom of association, and argued that "we don't have a union because the workers don't want to do it." He stated that the factory respected freedom of association, but he did not agree to follow any of the WRC's recommended corrective actions.

Given the credible testimony provided by workers, outlined in the findings section above, the WRC maintains its finding and recommendations with regard to freedom of association.

## E. Occupational Health and Safety

This section outlines health and safety violations identified by the WRC during the factory inspection that occurred on June 28 and 29, 2022. It also references recommendations provided in the Corrective Action Plan (CAP) developed by the WRC's health and safety expert, Mr. Medina (Appendix 1).

The CAP includes 33 findings concerning workplace hazards. Eighteen of the 33 are ranked as Priority 1 findings that require immediate attention due to their potential for injury or illness to workers. Nine findings are considered Priority 2, which relate to potential noncompliance or hazards that could result in injury, and the remaining six findings are classified as Priority 3 and are related to recordkeeping requirements or minor items.

The most significant health and safety issues identified during the site visit include the poor condition of electrical installations and portable power tools, emergency exits with lockable doors, trip hazards on exit pathways, and excessively high temperature due to inadequate ventilation and lack of mechanical cooling equipment. In addition, a large volume of combustible materials, in the form of cardboard boxes and fabric, were stored in the factory building, which has no fire sprinkler system, raising the risk of a fire with potentially severe human and material losses.

Other hazards it identified as a priority include lack of hearing protection, inadequate machine guarding equipment, and ergonomic risks from the use of inadequate chairs and worn-out anti-fatigue mats. Safety management issues of concern included the absence of job hazard assessments, a lax safety inspection effort, and a written health and safety program that does not reflect actual conditions on the factory floor.

The WRC shared preliminary findings with RJ Torres and the factory had the opportunity to respond. In August 2022, the factory sent information as to the corrective actions that it proposed or had already implemented. In some instances, RJ Torres provided photographic evidence of the changes it had made in the factory. Overall, the WRC and its health and safety expert Mr. Medina find that these measures demonstrate a good faith effort on the part of RJ Torres to improve factory health and safety conditions based on the CAP recommendations. Following each of the WRC's findings and recommendations below, we have included the company's response with regard to actions that it has or will take to correct the violation. The WRC recommends further monitoring by the City in one year, to verify that these changes have been completed and are having their intended effect, particularly in the area of temperature control.

### 1. Electrical Hazards

#### a. Findings

Electrical wiring hazards can result in electric shock injuries, death by electrocution, or current overloading, short circuits, arc flash, and fire. Dominican health and safety regulations require that

wiring does not present a fire or explosion hazard, and that workers are protected against the risk of accidents caused by direct or indirect contact, fires, or explosion hazards.<sup>22</sup>

During the RJ Torres site visit, deficiencies identified in the electrical wiring system included:

- Electrical panels with uncovered breaker gaps, or covered with combustible masking tape, duct tape, or plastic strips. (e.g., # 5, 7, 8, 16);
- Access to electrical panels blocked by stacked materials;
- Junction boxes without covers above the modules exposed to combustible fabric lint and dust; and
- Junction boxes with open knockout holes.

Moreover, the WRC found that flexible electrical cords were used in locations where permanent wiring for fixed equipment is required, such as the embroidery machine, wall-mounted air extractors, and the outdoor lights that illuminate the emergency exit pathway, which had cords running through holes in the wall. Also, throughout the facility, electrical equipment such as extractor fans, sewing machines, fabric cutting machines, and scales had patched cords, which should be replaced with new cords.

Finally, in the pattern cutting room, several handheld fabric cutting machines were in poor condition with frayed electrical power cords, exposed wires, and broken power disconnects held with adhesive tape. These electrical hazards were considered Priority 1 for attention and remediation.

## **b. Recommendations**

The WRC recommended that, in order to comply with Dominican regulations and the City's Ordinance, RJ Torres should:

- Make all needed repairs to the electrical installations to ensure they comply with the electrical code and best safety practices. This includes: 1) replacing combustible tapes with metal plates to close open breaker spaces in panels; 2) keeping all panels unobstructed; and 3) placing covers on and cover knock-out holes in all junction boxes.
- Replace temporary flexible cords with permanent wiring in all locations where electrical equipment is stationary for more than 90 days.
- Ensure that all flexible cords have adequate protection and are affixed to strong supports. Use conduit to run electrical wiring through walls or perforations.
- Inspect and repair all fabric cutting machines and remove all faulty equipment until it is repaired.

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<sup>22</sup> Resolution 04/2007 section 1.41.1. <https://unphu.edu.do/wp-content/uploads/2020/11/Reglamento-522-06.pdf>.

- Replace all damaged and worn electrical cords on other equipment and machines.

### c. Company Response

During the factory inspection, RJ Torres replaced worn cords and disconnects in the pattern cutting room. In its response to WRC’s preliminary findings issued in August 2022, RJ Torres management reported that it had repaired electrical panels by replacing tape with metal covers for open breakers. They also reported replacing temporary cords with permanent wiring with adequate protection and strong support and removing all machines needing repair from the production area. Factory management notes that it has established a procedure to change cords every 90-day period (or earlier, if damaged).



Figures 1 and 2: Combustible tape on electrical panels has been replaced with metal coverings. (Figure 2 provided by RJ Torres, August 2022)

## 3. Emergency Exits

### a. Findings

Dominican regulations require that evacuation routes and exits remain clear of obstacles and lead as directly as possible to the outside or to a safety zone, so that workers can evacuate as quickly as possible in the event of an emergency. The regulations also require that emergency doors open in the *direction of evacuation* and prohibit use of sliding and revolving doors. Emergency doors must not have devices that prevent them from opening.<sup>23</sup>

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<sup>23</sup> Resolution 04/2007, Section I. 1.36, 1.37.

The WRC's inspection found that, contrary to these regulations, emergency exit doors at RJ Torres, including the only doors from the enclosed shipping area on the first floor and the second-floor component storage room, had hasps and locks, which were open at the time of the inspection, but were capable of being locked. The component room has a sliding door, which as discussed above is prohibited by regulations.

In addition, the exit aisles between sewing modules and cutting room tables on both floors were poorly marked and maintained, as the yellow lines painted on the floor to demarcate them were faded, and, in some cases, the aisles were partially obstructed by trash cans or protruding tables, a further violation of the regulations.

In addition, the anti-skid surface strips on the indoor and outdoor stairs from the second floor that are part of the emergency exit route were peeling or damaged and represented a slip and fall hazard, especially in the event of an emergency evacuation. The floors of these and other ramps, stairs, and working platforms should be of non-slip materials or covered with non-slip elements. Finally, the yellow caution paint on the curb under emergency exit # 4 was faded.<sup>24</sup>



Figure 3: Emergency exit doors equipped with hasps and locks

These violations related to emergency exits were considered by the WRC as among the highest priorities requiring immediate attention and remediation, due to potential for injury to workers.

### **b. Recommendations**

The WRC recommended that, in order to comply with Dominican regulations and the City's Ordinance, as well as globally recognized standards for best management practices, RJ Torres should:

- Relocate protruding objects to ensure all aisles remain unobstructed at all times;

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<sup>24</sup> Resolution 04/2007 I.1.35.

- Repaint aisle stripes as needed;
- Replace all anti-skid strips on all stairs, and maintain all exit pathways clear and in good condition;
- Repaint all curbs and steps that could be considered trip hazards;
- Remove all hasps or locks from emergency exit doors;
- Remove sliding door from component room.

### c. **Company Response**

RJ Torres responded to the WRC’s recommendations in August 2022 by reporting that they are training worker teams to prevent objects protruding into the aisles in order to ensure that they remain unobstructed, and that they have repainted the aisle stripes. They note that anti-skid strips on stairs have been replaced, and that management has reviewed trip hazards on steps and curbs. The factory’s blacksmith contractor is removing hasps and locks from emergency exit doors.

RJ Torres also cites a certification from the Dominican Fire Department in April 2022 stating that the factory has an adequate evacuation system and can be evacuated in approximately two minutes. The factory has yet to agree to the WRC’s recommendation that it replace the sliding door to the component room with a swinging door.



Figure 4: Partially obstructed exit path

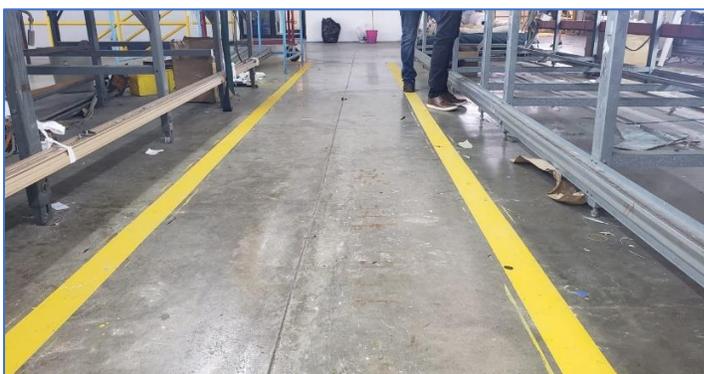


Figure 5: Repainted aisle stripes. (Figure provided by RJ Torres, August 2022)

### 3. Other Fire Safety Hazards

#### a. Findings

In addition to electrical hazards and inadequate emergency exits, the WRC identified several other fire safety risks, which were related to combustible lint and dust and deficient fire extinguishers. WRC considered these issues to be a high priority for immediate attention and remediation.

Excessive combustible fabric lint and dust buildup was evident on overhead pipes, struts, and racks throughout the facility. Such dust can get into gaps in uncovered electrical junction boxes increasing the risk of a short circuit, ignition, and fire, which is of particular concern in a building with no fire sprinkler system and a large inventory of combustible materials, such as cardboard boxes and fabric bolts. According to Dominican regulations, workers must be protected against risks of accident caused by fire or explosion, which the presence of excess dust exacerbates.<sup>25</sup>



Figure 6: Combustible materials stored in the factory building

The facility had 90 fire extinguishers (“FEs”). A random inspection of six of these FEs found that 50% had deficiencies. The monthly inspection tags on several of the FEs indicated that they had not been inspected in five months. In addition, FE # 84 in the component storage room was left on the floor, rather than positioned on a hanging bracket, as is required. Also, the forklift-mounted FE’s dial indicated it was undercharged. Finally, the FE checklist showed no deficiencies suggesting that it is not actually being used. These conditions violate Dominican health and safety regulations.<sup>26</sup>

#### b. Recommendations

The WRC recommended that, in order to comply with Dominican regulations and the City’s Ordinance, RJ Torres should:

- Conduct regular vacuuming of overhead pipes and building supports to remove combustible dust buildup;
- Cover and close all open electrical junctions to prevent dust intrusion;

<sup>25</sup> Resolution 04/2007 section I.1.41.1.

<sup>26</sup> Resolution 04/2007 section I.1.40.

- Evaluate inventory in storage areas (cardboard boxes and fabric bolts), and make necessary changes to reduce the fire risk level of the facility;
- Re-inspect all fire extinguishers and correct all deficiencies; and
- Retrain the employee responsible for FE inspections and supervise the inspections to ensure all FEs are in place and maintained in good working condition.

### c. **Company Response**

RJ Torres responded to the WRC’s recommendations in August 2022 by reporting they have removed combustible dust build-up from overhead pipes and building supports and closed electrical junctions to prevent dust intrusion. They have added four industrial vacuum units to conduct a basic cleaning daily and deep cleaning monthly, to manage lint and dust. Management reported that it had evaluated the storage area for boxes and fabric boxes to ensure these were not located near heat or electrical installations. RJ Torres management stated that it had re-inspected all fire extinguishers and retrained its management team to conduct these inspections.



Figure 7: Dust on overhead pipes was removed. The factory has purchased four vacuum units for regular cleaning. (Figure provided by RJ Torres, August 2022)

## 4. **Emergency Eye Wash Station**

### a. **Findings**

Dominican law requires employers to take all required safety measures to protect the health and well-being of employees.<sup>27</sup> Best practices for health and safety require the availability of an

<sup>27</sup> Resolution 04/2007 Article I.7.15 ("The employer has an ethical and moral duty, as well as a legal obligation, to take measures in the face of any risk that has been identified, regardless of whether or not it is contained in these Regulations.").

emergency eye wash station capable of providing 15-minutes of continuous irrigation when chemicals are used at the workplace.

When the WRC visited the factory, the only eye wash equipment was an eye wash bottle in the spray cleaning room. However, this bottle does not qualify as an emergency eye wash station. The bottle provided lacked a squeeze nozzle to wash each eye separately and is not large enough for 15-minutes of continuous irrigation.<sup>28</sup> This violation was considered as among the highest priorities requiring immediate attention and remediation, due to potential for injury to workers.

### **b. Recommendations**

The WRC recommended that RJ Torres install a plumbed or portable emergency eyewash station with dual capped eye rinse spray nozzles, quick activation, adequate volume for 15-minute irrigation, and a reservoir or drain line to capture all rinse water and avoid slip hazards.

### **c. Company Response**

In response to this recommendation, RJ Torres management responded in August 2022 that the factory's existing system complied with Dominican regulations, by providing eye wash bottles with sterile water. However, they have added two more bottles to each station, following the factory inspection.

Management noted that nevertheless, it has requested quotations from suppliers to install an eye wash station that would meet US OSHA (Occupational Safety & Health Administration) guidelines. In subsequent correspondence, RJ Torres explained that an initial supplier would have the equipment available in six to twelve weeks. RJ Torres is seeking another supplier which can deliver it more quickly.

## **5. Hearing Protection**

### **a. Findings**

In offsite interviews conducted with factory employees, half of workers interviewed reported that the noise levels in the factory were very high. Under Dominican regulations, employers should endeavor to implement a program of noise reduction in workplaces where the equivalent daily level or peak level exceeds 80 decibels (“dB”) or 140 dB, respectively. Where it is not possible to reduce the noise level, or in cases where interim measures are required while improvements are implemented, employers must perform annual hearing tests on exposed workers and provide hearing protection when noise levels exceed 80 dBA (decibels A-weighted scale)<sup>29</sup>.

According to documents reviewed by the WRC, the facility contracted with a specialist to conduct a noise level survey in April 2022. However, the report did not measure full shift noise exposure dose for individual workers or produce a noise contour map of the facility.

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<sup>28</sup> A 15-minute irrigation is recommended by the US Occupational Health and Safety Administration (US OSHA). *See* [https://ehs.uky.edu/docs/pdf/ohs\\_ansi\\_2004.pdf](https://ehs.uky.edu/docs/pdf/ohs_ansi_2004.pdf).

<sup>29</sup> Resolution 04/2007 Section I 3.1.

The survey did collect a series of three-minute readings in different areas of the factory. The factory's sewing areas recorded the highest noise levels, ranging from 74.1 to 87.5 dBA. The cutting and finishing areas of the factory recorded levels below the official 85 dBA Permissible Exposure Limit - Time Weighted Average (PEL-TWA). Instantaneous noise levels measured on the production floor during this inspection ranged from 91 to 93 dBA on the second floor of the production facility, and from 99-101 dBA in the first-floor embroidery room. Health and safety recommendations for noise levels at or above 80 dBA TWA, such as were recorded in these areas, require placing workers in a hearing conservation program with annual audiograms, training, and ear plugs made available to workers.

The facility provided documents to the WRC demonstrating that it had conducted audiometric testing of 11 employees during 2022. 36% of those tested exceeded the hearing loss threshold of 25 decibels, and ten of the 11 workers were recommended for strict wearing of hearing protection for one year, and annual retesting. However, in spite of the noise levels in the factory exceeding permitted limits in the production and embroidery room, none of the workers in these areas were wearing hearing protection at the time of the WRC's onsite inspection. As a result, the WRC found that the factory is failing to ensure that workers in these areas are protected from hearing loss.

These violations were considered as among the highest priorities requiring immediate attention and remediation.

### ***b. Recommendations***

The WRC recommended that, in order to comply with Dominican regulations and the City's Ordinance, RJ Torres should:

- Conduct full shift personal noise dosimetry on representative employees in all work areas to ensure that the factory is in compliance with the 85 dBA PEL-TWA. Implement noise reduction engineering controls to reduce noise generation and transmission in all areas above 80 dBA. Make efforts to delimit noise control areas. As an interim measure, provide free hearing protection to all employees working in areas with exposure to noise at or above 80 dBA TWA, and place them in a hearing conservation program.
- Provide free hearing protection to all employees working in the same areas as those employees whose audiometric testing results recommended strict hearing protection. These measures are based on the most recent audiometric reading. They should be extended to another year if the audiometric reading is unchanged or deteriorates.
- Conduct annual audiometric testing for all employees who are placed in the hearing conservation program according to the results of personal noise dosimetry readings.

### ***c. Company Response***

RJ Torres' response to WRC's preliminary findings included a statement that they have retrained operators in the embroidery room to "understand the importance of using ear plugs at all times

during work.” They report having provided free ear plugs to operators, though they did not state whether ear plugs were made available to employees in loud areas outside of the embroidery room. The management provided documentation of their quotation request for *all* employees to undergo annual audiometric testing. Finally, they note that they have reduced the volume of music in the factory (which was not among the recommendations provided by the WRC).



Figure 8: Workers equipped with ear plugs. (Figure provided by RJ Torres, August 2022)

## 6. Machine Guarding

### a. Findings

During the factory inspection, the WRC identified several hazards related to inadequate machine guarding, which could lead to serious injury, and which were therefore considered to be high priority for immediate attention and remediation. These hazards were as follows:

- In the cutting room, band knives and fabric cutting machines are missing blade guards, leaving exposed hazard points for worker injury;
- On the sewing floor, several sewing machines have missing needle guards or side covers;
- The zipper punch press operation requires placing the worker’s fingers within the nip hazard point; and
- The tool grinder does not have a shield protector or tool rest.

These hazards violate Dominican Resolution 04/2007 (Harmonizing the General Conditions of Safety and Health that Apply at Work), Section I.2.7 which specifies that “When moving parts of machinery can involve risk of accident by mechanical contact, they must be equipped with guards or devices that prevent access to the dangerous areas or that stop dangerous maneuvers before contacting with these areas.”

## b. Recommendations

WRC recommended that to ensure safety in machine use in compliance with Dominican regulations and the City's Ordinance, RJ Torres should:

- In the cutting room, install appropriate guards on machinery to cover all hazard points from sharp edges and moving parts.
- For sewing machines, repair all defective guards in operating machinery.
- Install a guard on the zipper punch press or redesign the operation to keep the worker's fingers away from the nip hazard point.
- Install a shield protector and rest for the tool grinder.

## c. Company Response

RJ Torres responded to WRC's initial recommendations by noting that machinery in the cutting room now has appropriate guards to cover sharp and moving parts. Management highlighted that it has replaced defective guards for sewing machines and retrained zipper punch operators to use the machine safely. Finally, management notes that it has installed a shield protector for the tool grinder.

The WRC reiterates the recommendation that, in addition to the shield protector, RJ Torres should install a tool rest for the tool grinder. The gap between the grinding wheel and the tool rest should be no wider than 1/8 inches to prevent the item being sharpened from getting caught in the gap and possibly causing injury or shattering the wheel.



Figure 10: Tool grinder with shield protector installed.  
(Figure provided by RJ Torres, August 2022)



Figure 9: Fabric cutting machines missing blade guard

## 7. Respiratory Protection

### a. Findings

At the time of the WRC's factory inspection, employees in the factory's spray cleaning operation wear half-face respirators with organic vapor filter cartridges to prevent respiration of toxic vapors. Records of spirometry tests and respirator inspection training were provided. However, no record of qualitative or quantitative fit testing of the respirators was made available. An employee operating the sprayer was not wearing safety glasses reportedly because they fogged up due to a poor fitting respirator. Additionally, there is no filter change-out schedule, which should be determined based on the absorbent capacity of the filters and as recommended by the filter manufacturer. Instead, according to reports from workers, filter cartridges are only changed when the chemical odor breaks through the filter or monthly by the maintenance supervisor, a practice which is inconsistent with Dominican health and safety regulations.<sup>30</sup>

This violation was also considered high priority for remediation.

### b. Recommendations

To protect the health and safety of workers in the spray cleaning area, WRC recommended that RJ Torres implement the following steps:

- Conduct qualitative or quantitative fit testing annually to check the proper fit for all employees assigned respirators.
- Provide workers with an alternative model respirator if one model does not fit an individual.
- Establish a filter change-out schedule based on the manufacturer's instructions in order to prevent breakthrough of toxic vapors into the mask.

### c. Company Response

In response to the WRC's preliminary findings, RJ Torres management responded that it plans to conduct an annual check for all employees assigned to respirators. Management also stated that it will make periodic inspections and replace filters according to manufacturer instructions. It notes that personnel in the spray cleaning area use industrial gloves as protection from chemical exposure. RJ Torres did not specifically address WRC's recommendation to provide individuals with an alternative model of respirator if one model does not fit.

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<sup>30</sup> Resolution 04/2007 Section I.5.22; ("Personal Protective equipment shall provide effective protection against the hazards for which it is intended and shall not pose or cause additional risks or unnecessary discomfort.") Section I. 5.7.4 outlines protective respiratory equipment, including filters for particles, gas and vapor.

## 8. Temperature Conditions

### a. Findings

Dominican health and safety standards require employers to ensure adequate ventilation and avoid extreme heat or humidity in the workplace.”<sup>31</sup> Temperatures of 85°F (29.4°C) or higher increase the risk that factory employees will suffer from heat-related illnesses. In offsite interviews conducted with factory employees, six workers said that temperatures in the facility were “hot.” Workers and management confirmed that there were no thermometers in the factory that would allow workers to monitor the temperature inside the buildings.

The facility had air conditioning in the embroidery room and the administrative offices. Most window louvers in the building, which could provide ventilation, were closed at the time of the WRC’s visit to the factory. Moreover, the factory’s wall-mounted air extractors and ceiling fans did not provide adequate air exchange of natural ventilation or keep temperatures at acceptable levels.

Indoor air temperature and percent relative humidity (%RH) on the second-floor work areas ranged between 92.8°F to 94.4°F (33.8 - 34.7°C), with 35%-38% RH. The temperature of the first-floor modules ranged between 82.9°F to 87.8°F (28.3 - 31°C) with 44-69% RH. In the area near the operator, temperature in the heat transfer process ranged between 95°F and 96°F (35-36°C).

**Table 1: Temperature and Relative Humidity at RJ Torres Building 1**

Date	Area	Temperature (Temp) °C/°F	Relative Humidity (RH%)
June 28, 2022	Second floor	92.8°F – 94.4°F (33.8°C – 34.7°C)	35-38%
June 28, 2022	First Floor	82.9°F – 87.8°F (28.3°C – 31°C)	44-69%
June 28, 2022	Heat transfer process (in front of operator)	95°F – 96°F (35°C – 36°C)	N/A

These conditions violate the employer’s duty to provide a safe and healthy environment for workers and are considered by the WRC as among the highest priorities requiring immediate attention and remediation.

### b. Recommendations

The WRC recommended that, in order to comply with Dominican regulations and the City’s Ordinance, RJ Torres should:

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<sup>31</sup> Resolution 04/2007 I.1.5 to 1.7.

- Ensure that the factory’s ventilation equipment provide a minimum of six to ten changes per hour of fresh air to all production areas;
- Reduce indoor temperatures to less than 85°F in the work areas by providing adequate cooling and air flow;
- Install temperature and RH meters and conduct periodic monitoring of temperature and relative humidity in work areas;
- Install cooling equipment to reduce worker exposure to less than 85°F in the heat transfer operation;
- As an interim measure to prevent heat stress and ensure worker comfort, provide a cool room with less than 80°F temperature and access to cool water for workers to take short rest breaks when indoor temperatures exceed 85°F, until a permanent cooling system is installed, and;
- Regularly monitor temperature to assess whether additional cooling measures are required.

### **c. Company Response**

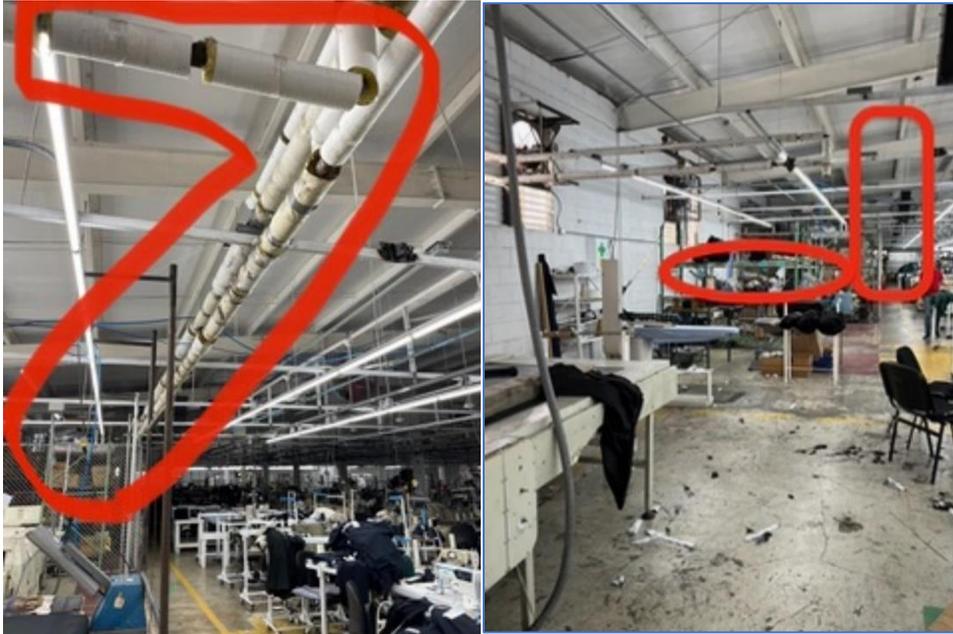
In response to the WRC’s initial inspection, RJ Torres stated that the second floor, where elevated temperatures were reported has been used for sewing operations only since January 2022, when it was converted from its previous usage as a storage space. Management also noted that the high temperatures on the second floor primarily affect the area near the heat transfer equipment and the southwest side of the building, but not the entire second floor.

Following the initial inspection and in response to WRC’s preliminary findings, management stated that it has implemented several measures to reduce temperature in the factory. These measures include the removal of a steam pipe from the second-floor main array; relocation of a pipe connection to outside the building; relocation of a fusion splicer away from the sewing area; and the addition of insulated walls and an extractor fan in the new fusion machine area.

In addition, RJ Torres’ contractors have applied a reflective silicone film to the factory’s roof. The addition of this reflective covering should have the effect of reducing interior temperature. In August 2022, management stated that the roof covering has helped reduce temperatures inside the factory to below 86 degrees Fahrenheit. Finally, RJ Torres reported that it was working with a firm to assess options for air conditioner installation for the second floor, which it hoped to undertake by early 2023.

These responses suggest that RJ Torres is making good faith efforts to address excessive temperatures in the facility. The WRC advises that RJ Torres continue to measure temperature levels in the factory to evaluate the effectiveness of the measures it has taken and to assess when further

intervention is required. It advises the City to conduct further monitoring in one year, to verify that these changes have been completed and are having their intended effect.



Figures 11 and 12: RJ Torres has removed a steampipe previously part of the second floor array, as one of several heat reduction measures (*Figure provided by RJ Torres, August 2022*).

## 9. Bloodborne Pathogens

### a. Findings

Factory personnel assigned to first aid duty have a risk of exposure to potentially infectious blood and body fluids. However, the WRC's inspection found that these employees had not received bloodborne pathogens (BBP) training and have not been offered a Hepatitis B Virus (HBV) vaccine. These omissions violate Dominican workplace safety regulations, which require employers to undertake control measures to mitigate risks of exposure to biological agents.<sup>32</sup>

### b. Recommendations

RJ Torres should provide BBP training and offer HBV vaccines on a voluntary basis to first aid-assigned employees.

### c. Company Response

In response to this recommendation, RJ Torres management stated that it would provide bloodborne pathogen training and offer HBV vaccines for its first aid assigned employees.

<sup>32</sup> Resolution 04/2007 section I.3.3.

## 10. Ergonomics

### a. Findings

When interviewed offsite by the WRC, several employees reported that the chairs at their workstation were old, or that sitting in them caused the employees to experience pain. The WRC's onsite inspection found that chairs assigned to sewing operators were in poor condition and not ergonomically appropriate. Many chairs lacked swivel, seat pan, height and back adjustment, and lumbar support.<sup>33</sup> The seat height controls in others were taped and inoperable. Some workers sat on wood chairs with no padding. Operators used cushions from fabric scraps to place on the seat and lower back for support.

In addition, the cutting room, inspection area, and other work areas where employees are required to work for a prolonged period in a standing position had damaged, worn-out, or missing anti-fatigue mats.

The factory's lack of appropriate ergonomic equipment, including appropriate chairs and functional anti-fatigue mats, violates Dominican regulations, which require employers adapt employees' workstations and equipment to reduce negative health impacts.<sup>34</sup>

### b. Recommendations

The WRC recommended that, in order to comply with Dominican regulations and the City's Ordinance, RJ Torres should:

- Replace all worn and damaged chairs and provide ergonomically adjustable chairs that comply with US OSHA standards for workers required to sit for most of the work shift.
- Replace anti-fatigue mats for workers whose tasks involve prolonged standing and modify the work process to reduce the risk of ergonomic injury.



Figure 13: Chairs are in poor condition and are not ergonomically appropriate

### c. Company Response

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<sup>33</sup> The United States Department of Labor Occupational Safety & Health Administration (OSHA) provides a description of the appropriate chair for garment workers. This website also makes other recommendations on the proper ergonomic set up of a sewing machine worker's station. See <https://www.osha.gov/etools/sewing/station-design>.

<sup>34</sup> Resolution 04/2007 Article 7.4.

RJ Torres responded to the WRC’s preliminary findings by stating that it uses industrial chairs for all operators who perform seated work. They also stated that they would “gather all the information regarding defective chairs so they can be fixed.” In a subsequent communication, management stated that it is currently evaluating the anti-fatigue mats that need to be replaced. The WRC reiterates its recommendations in this area and will continue to monitor this issue.

## 11. First Aid Station

### a. Findings

Dominican regulations stipulate the minimum requirements regarding the contents of onsite first aid supplies and state that the employer has the responsibility to ensure supplies are replenished after expiration or use. The regulations also specify that first aid administration should be overseen by a qualified individual under the supervision of a physician. Large employers of 100 or more workers must be able to treat minor injuries at first aid stations.<sup>35</sup>

The WRC’s inspection of RJ Torres found that, while there are three first aid kits on the first floor of the factory and two on the second floor, they were not appropriately stocked. The kits did not have mouth guards to use during mouth-to-mouth resuscitation. Only latex gloves were provided, which can be allergenic to some individuals. Several items from the kits’ supply list were missing or were not kept in sterile packaging. The acetaminophen bottle in one kit was expired. However, the factory’s first aid inspection



Figure 14: First aid station

<sup>35</sup> Resolution 04/2007 Section I.1.20 - 1.20.1, 9.7 - 9.9.

checklists reported no deficiencies, indicating that the checklists were not actually being used appropriately.

In addition, the facility did not have a first aid station to treat minor injuries and to serve as a rest area for evaluation of illnesses under the direction of a doctor, as is required for facilities with 100 or more employees. The facility takes injured workers who require more than first aid to the Medica Health Clinic, located in the industrial park. The facility did not keep a log of first aid incidents that do not require further medical attention or referrals to the industrial park's health clinic.

### **b. Recommendations**

To comply with Dominican regulations regarding the administration of first aid, RJ Torres should:

- Include mouth guards and nitrile (non-latex) gloves in the first aid kits and replace all expired items.
- Train the factory inspection personnel how to monitor the provision of first aid supplies.
- Establish a first aid station in the facility staffed by a qualified individual working under supervision of a physician.
- Implement a log of all first aid incidents to support job hazard assessments and track safety performance metrics to help identify injury hazards and safety measures.

### **c. Company Response**

In its response to the WRC's preliminary findings, RJ Torres noted that it had included mouth guards and nitrile gloves in the first aid kits, and that managers had replaced expired medications. It is also acquiring an additional two first aid kits. Management stated it has retrained inspection personnel to monitor the medical supplies accurately. It also provided a copy of its First Aid Incident Form that can be used to record incidents. Finally, it stated that it was evaluating with its health insurance provider how it could engage an on-site nurse or doctor.

## **12. Hazardous Materials**

### **a. Findings**

Dominican regulations require that employers inform workers about health and safety risks on the job,



Figure 15: First aid station, with replenished supplies and labels. (Figure provided by RJ Torres, August 2022)

including the presence of hazardous substances.<sup>36</sup> The WRC's inspection of the factory found several areas in which the factory failed to comply with this requirement.

Interviewed employees were not aware of hazards associated with the materials used in their workplace, including K7M cleaning spray, a chemical that contains toxic and flammable volatile organic compounds, and soldering wire that contains lead. An unlabeled container with machine oil was used in the embroidery room, and a beverage container was used for marking spots to drill-on patterns.

Material safety data sheets (MSDS) for chemicals used in the factory were not found on the production floor. The facility provided the WRC with copies of MSDS in Spanish, but several of the MSDS were not current and contained inaccurate information, and, in any case, MSDS had not been made available to workers.

### ***b. Recommendations***

To comply with Dominican regulations and the City's Ordinance, RJ Torres should:

- Provide hazard communication training to all workers and job-specific hazard communication training to all employees working with or exposed to chemicals.
- Label all chemical containers with the name of the contents and a hazard label. To prevent confusion, beverage containers should not be used for work-related liquids, even water.
- Prepare a chemical inventory, obtain current MSDS in Spanish from all suppliers, and place all relevant MSDS in a location available to all workers.

### ***c. Company Response***

RJ Torres stated that it has been training its workers to understand the risk of chemicals used in the factory, and that it plans to conduct such training periodically. Managers have also verified that chemical containers are properly marked with contents and warning labels, and they have posted relevant MSDs on the factory's bulletin board. They have also requested quotations for additional, smaller polyethylene bottles for cases where this is needed, to avoid the case that employees use beverage containers for chemical storage.

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<sup>36</sup> Regulation 522-06 Article 9.

### 13. Floor surfaces

#### a. Findings

The factory inspection identified uneven floor surfaces and broken or cracked concrete in several places which present trip and/or fall hazards. Dominican regulations require that all pathways and exits are free of obstacles that could impede the safe movement of workers.<sup>37</sup>

#### b. Recommendations

The WRC recommended that RJ Torres repair all uneven or damaged flooring and maintain all working surfaces in good condition.

#### c. Company Response

RJ Torres stated that managers have requested floor repairs from the factory's lessor.

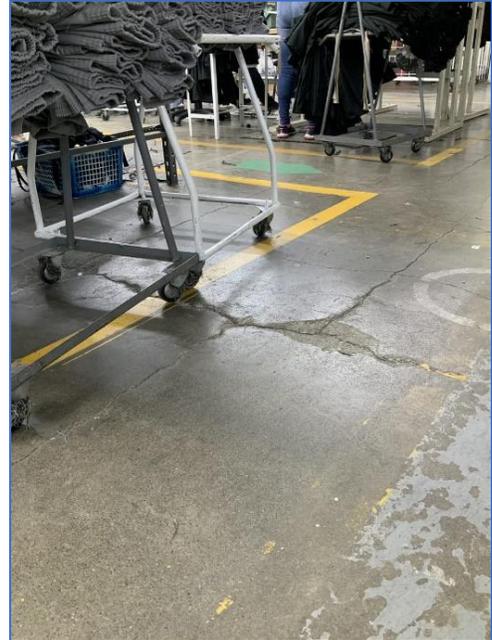


Figure 15: Cracked floor surfaces

### 14. Restrooms

a. Findings The facility does not have sufficient restroom stalls for the total number of employees, or for each sex, and each floor. Dominican regulations state that buildings with more than 250 employees must provide a minimum of one restroom stall and one wash basin for each 30 employees.<sup>38</sup>

The facility employs 774 workers in the building - 490 on the first floor, and 284 on the second floor – of whom approximately equal numbers are women and men. Therefore, according to Dominican regulations, the building should have eight stalls and eight wash basins for each gender on the first floor, and five stalls and five wash basins for each gender on the second floor for a total of 26 stalls/urinals (13 for each gender) and 26 wash basins (13 for each gender).



<sup>37</sup> Resolution 04/2007 section I.1.4.

<sup>38</sup> Resolution 04/2007 section I 1.19.1.

However, each floor at RJ Torres has restrooms in which there are six stalls and four wash basins for women, and four stalls, plus three urinals, which count as stalls (so, a total of seven stalls), and four wash basins for men. One of the male stalls is locked for use by supervisors only. As a result, the factory has insufficient numbers of stalls for women and men on the first floor (five and seven, respectively, instead of the required eight).

Figure 16: Missing toilet seats

During the factory visit, the WRC found that some of the toilets lacked seats or lids, had stall doors which could not be latched from the inside, or had door latches that were rusted. In addition, the lighting in some of the restrooms was broken. The factory's restroom checklist reported no deficiencies indicating that it was not actually being used. In interviews, some workers also stated that the restrooms were sometimes unclean, particularly towards the end of the day, and/or lacked supplies such as soap.

### **b. Recommendations**

The WRC recommended that RJ Torres install the legally required number of toilets and wash basins. It also recommends the company execute a plan to make sure that bathroom maintenance, cleaning, and supplies provision are conducted on a regular basis so that the bathrooms are kept in good repair, clean, and equipped with the necessary supplies. Recommendations for strengthening the factory's own inspections overall, including inspections of the bathroom facilities, can be found below.

### **c. Company Response**

During the factory visit, factory management corrected several issues in the restrooms, including the lack of toilet seats, problems with door latches, and lighting.

In response to the WRC's preliminary findings in August 2022, RJ Torres stated that it has increased the frequency of daily restroom inspections, to improve the facility conditions.

RJ Torres highlighted to the WRC that there were four additional restrooms in the office section of the factory which were not mentioned in the WRC's preliminary findings. It has also contacted its factory lessor to request construction of additional restrooms, who have agreed to this request.

## **15. Health and Safety Program**

### **a. Findings**

Dominican health and safety regulations require that in any workplace with more than 15 employees, the employer must establish and maintain a health and safety committee comprised of both employer and worker representatives who, in the absence of a union, must be elected by employees. The committee is responsible for responding to workers' safety complaints and informing

employees about workplace safety hazards and the steps that the company is taking to resolve them.<sup>39</sup>

RJ Torres does have a Health and Safety Committee comprised of managers and workers. The plant's General Manager, Ms. Cecilia Garcia, is named as the Health and Safety Coordinator (H&SC), and reports directly to Mr. Torres, the company President and CEO. The 12-member Mixed (Labor-Management) Safety Committee supports the H&SC. Management representatives include Ms. Garcia, Ms. Rosalba Espinal, head of Human Resources, Mr. Justo Aquino, head of Maintenance, Mr. Quilvio Mora, head of Building Security, Engineer Ivan Hinojosa, and six workers and supervisors elected annually by the workers. Committee minutes were not provided.

Management did share RJ Torres' Corporate Health and Safety Program (CHSP) for 2022-2025. This document describes the goals and objectives of corporate safety policy, including leadership commitment to guarantee a safe and healthy workplace, management's participation, and 20 program elements.

In spite of the existence of the committee and the CHSP, as demonstrated by the numerous safety violations outlined, the company's safety programs are not functioning effectively. Beyond the specific violations detailed throughout this section, procedural problems include:

- A review of inspection checklists from 2021 and 2022 covering emergency lights and exits, forklifts, fire prevention, electrical equipment, hazardous materials, fire extinguishers, housekeeping, first aid kits, aisles, electrical panels, PPE, building conditions, alarms, boiler, elevators, and restrooms state that all items were found in acceptable condition. Not a single item was found to be defective or in need of repair. This contrasts significantly with the documented findings in the Corrective Action Plan (as described above) and reflects the wide gap that exists between the management commitment expressed in the written CHSP policies and procedures, and the actual health and safety conditions observed in the plant.
- The written CHSP and 22 procedures covering most safety areas do not reflect the actual practices at the facility. The procedure labelled "Ergonomics" does not contain any information on this subject matter. Management was not able to provide evidence that certain key procedures, such as unsafe condition reporting, critical task analysis, and job hazard assessments, are actually followed.
- The facility does not keep a log of injuries that do not require further medical attention or referral to the industrial park's health clinic.
- Although documents indicate that there is a health and safety training program, including new employee orientation and emergency evacuation drills, the program does not include hazard communication, PPE, policies on bloodborne pathogens, machine guarding, ergonomics, respiratory protection, and electrical safety.
- Job Hazard Assessments have not been conducted for job functions considered critical jobs according to the H&S Program, such as cleaning agent sprayers, fabric cutting machine operators, boiler mechanics, forklift drivers, and maintenance employees.

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<sup>39</sup> Regulation 522-06, Articles 6 to 8.

- Many of the workers interviewed offsite by the WRC had limited information about the Health and Safety Committee. They did not know when the committee meets or what the committee discussed. Many either believed that the worker representatives on the committee were selected by management or did not know how the representatives were selected.

## **b. Recommendations**

In order to address the entirety of the health and safety violations outlined in this report in a robust sustainable manner, RJ Torres corporate and plant management should commit the necessary human, financial, and technical resources to address unsafe working conditions at the plant in a timely manner, and vigorously implement the practices described in the CHSP to ensure a safe and healthy working environment for all workers.

To this end, the WRC recommends that RJ Torres:

- Review the written health and safety program and procedures and establish a direct oversight, reporting, and accountability mechanisms to ensure the program is implemented according to its stated corporate policies and meets regulatory requirements in practice.
- Complete all checklist inspections accurately and on time. Implement a system to verify that all inspection items are recorded accurately and on the actual date required. Ensure that deficiencies are corrected in a timely manner.
- Train and supervise personnel responsible for conducting inspections.
- Develop and implement a H&S Training Program and track attendance and comprehension. Refresher training on PPE, inspections, and other areas identified in this assessment should be a priority.
- Conduct job hazard assessments for all positions at the facility, and train employees regarding the hazards and controls associated with their jobs.
- Provide regular updates to workers on the agendas and outcomes of the meetings of the Health and Safety Committee.

## **c. Company Response**

RJ Torres responded in August 2022 that it will review and evaluate the current health and safety program. Management stated that it also intends to make periodic reviews to the program itself.

## **IV. Conclusion**

As outlined above, the WRC's assessment of RJ Torres has revealed violations of Dominican labor law and regulations related to wages and hours, verbal abuse and sexual harassment, freedom of association, and health and safety. It raised concerns regarding risk of discrimination against pregnant workers, and the consistency and transparency of accommodations for pregnant workers. The WRC provided specific recommendations for RJ Torres to address each of these issues, as outlined in the corresponding sections above.

Key outstanding issues of noncompliance are summarized as follows:

- RJ Torres does not acknowledge nor intend to remedy its failure to pay the City's non-poverty wage standard.
- The WRC concurs with RJ Torres management's conclusion that its current working schedule of nine-hour days is legal if it has been agreed to voluntarily by its workers. Should the factory provide documentary evidence that workers have voluntarily agreed to the schedule, the WRC will consider this issue resolved with no further action required from RJ Torres. The WRC's recommendations for remediation should the factory not provide this documentation are outlined in Section III.A.1.c.
- RJ Torres rejects the WRC's findings of verbal abuse, sexual harassment, and violations of freedom of association, as well as its concerns regarding pregnancy discrimination. There is no indication that RJ Torres intends to adopt any of the WRC's recommendations on these matters, which are related to policy development, communication, and implementation.
- The company did not respond to concerns raised by the WRC regarding the need for a consistent and transparent policy on pregnancy accommodation.

RJ Torres' response to the preliminary findings demonstrate a good faith effort to address and correct the health and safety issues recommended by the WRC. The WRC recommends further monitoring by the City in one year, to verify that these changes have been completed and are having their intended effect, particularly in the area of temperature control.

With respect to the other violations identified by the WRC, where RJ Torres has not committed to corrective action, the WRC recommends that the City engage with Fechheimer, as the company purchasing apparel covered by the City's Ordinance from the factory, and Muscatellos as the City's vendor, to secure the factory's compliance and remediation for its workers.